

### **REMARKS**

Applicant recognizes with appreciation that Examiner has indicated that Claims 19 and 20 would be allowable if rewritten in independent form and include all the limitations of the base claim and any intervening claims.

In this Amendment, Applicant has amended Claims 3 and 9, and added new Claims 21 – 22 to overcome the rejection and specify various embodiments of the present invention. It is respectfully submitted that no new matter has been introduced by the amended and added claims. All claims are now present for examination and favorable reconsideration is respectfully requested in view of the preceding amendments and the following comments.

#### **REJECTIONS UNDER 35 U.S.C. § 112 SECOND PARAGRAPH:**

Claims 3 and 9 have been rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

It is respectfully submitted that Claims 3 and 9 have been amended to delete the terms rejected by the Examiner.

Therefore, the rejection under 35 U.S.C. § 112, second paragraph, has been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. § 112, second paragraph, is respectfully requested.

#### **REJECTIONS UNDER 35 U.S.C. §§102-103:**

Claims 1, 3 and 17 have been rejected under 35 U.S.C. §102 (b) as allegedly being anticipated by Kubo et al. (US Pat. No. 5,298,200). Claim 16 has been rejected

under 35 U.S.C. § 103 as allegedly being unpatentable over Kubo in view of Guerra et al. (US 5,677,371). Claims 9 and 18 have been rejected under 35 U.S.C. § 103 as allegedly being unpatentable over Kubo in view of Yates (US 3,650,783) and Guerra et al. (US 5,677,371).

Applicant traverses the rejection and respectfully submits that the embodiments of present-claimed invention are not anticipated by Kubo or obvious over Kubo in view of Yates and Guerra.

The slurries of the present invention typically contain alkali in the form of sodium hydroxide, which is the pH adjustment medium most commonly used by suppliers of the colloidal binders referred to in this method. This ferric component causes the mineral particles themselves to act as coagulation nuclei for the colloidal particles, precipitating them onto the surface of the mineral and thereby destabilizing the slurry itself. However, in the presence of the stabilizers recommended in the claimed method, and particularly trisodium phosphate, the ferric ions are converted to inactive ferric phosphate, which although also residing more or less exclusively on the surface of the mineral particles, is surprisingly incapable of coagulating the colloidal binders such that the slurries are stable for weeks or even months. This is not anticipated or suggested by prior art.

Unlike dental cements, the slurries of the present invention, for example, contain no other components than a ferruginous mineral, colloidal silica and a very small amount, typically less than 1%, of trisodium phosphate. In contrast to Kubo, the main component in the binder system here is neither magnesium oxide nor a soluble phosphate (3.3-4) but simply colloidal silica. Indeed, Kubo uses 5-20% of a soluble phosphate. It should be pointed out that Kubo uses monoammonium phosphate which is acidic and quite unsuitable for the purpose of the present invention because monoammonium phosphate would immediately coagulate the binder and cause agglomeration of the silica sol binders, which is the purpose of Kubo. Whilst the method of Kubo may well work in the manufacture of dental cement, the product and method per se would be completely

useless in the manufacture of slurries for investment casting, which is the purpose of the products of the present invention.

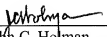
Therefore, the newly presented claims are not anticipated by Kubo or obvious over Kubo in view of Yates and Guerra. The rejection under 35 U.S.C. §§102-103 has been overcome. Accordingly, withdrawal of the rejections under 35 U.S.C. §§102-103 is respectfully requested.

Having overcome all outstanding grounds of rejection, the application is now in condition for allowance, and prompt action toward that end is respectfully solicited.

Respectfully submitted,

JACOBSON HOLMAN PLLC

Date: March 22, 2011  
(202) 638-6666  
400 Seventh Street, N.W.  
Washington, D.C. 20004  
Atty. Dkt. No.: P68780US1

By  \_\_\_\_\_  
John C. Holman  
Registration No. 22,769